

Joshua A. Sussberg, P.C.

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

601 Lexington Avenue

New York, New York 10022

Telephone: (212) 446-4800

Facsimile: (212) 446-4900

Patrick J. Nash, Jr., P.C. (admitted *pro hac vice*)

Ross M. Kwasteniet, P.C. (admitted *pro hac vice*)

Christopher S. Koenig

Dan Latona (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

300 North LaSalle Street

Chicago, Illinois 60654

Telephone: (312) 862-2000

Facsimile: (312) 862-2200

Counsel to the Initial Debtors and Debtors in Possession

Proposed Counsel to the GK8 Debtors and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
CELSIUS NETWORK LLC, <i>et al.</i> , ¹)	Case No. 22-10964 (MG)
)	
Debtors.)	(Jointly Administered)
)	

**AGENDA FOR HEARING TO BE HELD
DECEMBER 20, 2022, AT 10:00 A.M. (PREVAILING EASTERN TIME)**

Time and Date of Hearing: December 20, 2022, at 10:00 a.m. (prevailing Eastern Time)

Location of Hearing: The Honorable Chief Judge Martin Glenn
United States Bankruptcy Court for the Southern District of New York
Alexander Hamilton U.S. Custom House
One Bowling Green, Courtroom No. 523
New York, New York 10004

Hearing Attendance
Instructions: In accordance with General Order M-543 ("General Order M-543"), dated March 20, 2020, the Hearing will only be conducted using Zoom for Government. Parties wishing to appear at the Hearing,

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 Ltd. (1209); GK8 UK Limited (0893); and GK8 USA LLC (9450). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

whether making a “live” or “listen only” appearance before the Court, need to make an electronic appearance through the Court’s website at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl> on or before 4:00 p.m. (prevailing Eastern Time) on December 19, 2022.

Due to the large number of expected participants in the Hearing and the Court’s security requirements for participating in a Zoom for Government audio and video hearing, all persons seeking to attend the Hearing (which is scheduled to commence at 10:00 a.m., December 20, 2022 (prevailing Eastern Time)) must connect to the Hearing beginning at 9:00 a.m., December 20, 2022 (prevailing Eastern Time). When parties sign into Zoom for Government and add their names, they must type in the first and last name that will be used to identify them at the Hearing. Parties that type in only their first name, a nickname or initials will not be admitted into the Hearing. When seeking to connect for either audio or video participation in a Zoom for Government Hearing, you will first enter a “Waiting Room,” in the order in which you seek to connect. Court personnel will admit each person to the Hearing from the Waiting Room after confirming the person’s name (and telephone number, if a telephone is used to connect) with their eCourtAppearance. Because of the large number of expected participants, you may experience a delay in the Waiting Room before you are admitted to the Hearing.

Copies of Motions:

A copy of each pleading may be obtained free of charge by visiting the website of Stretto at <https://cases.stretto.com/Celsius>. You may also obtain copies of any pleadings by visiting the Court’s website at <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein.

I. Status Update.

1. **Status Update.** Status Update on Company Operations provided by Christopher Ferraro, Interim Chief Executive Officer, Chief Restructuring Officer, and Chief Financial Officer of the Debtors.

II. Contested Matters.

2. **Motion to Appoint Mediator.** Immanuel Herrmann’s Motion for the Entry of an Order (I) Appointing a Chapter Eleven Mediator (II) Directing Mandatory Mediation and (III) Granting Related Relief [Docket No. 1630].

Objection Deadline: December 17, 2022, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- (1) Limited Omnibus Objection of the Texas State Securities Board and the Texas Department of Banking to Motion for the Entry of an Order (I) Appointing a Chapter Eleven Mediator (II) Directing Mandatory Mediation and (III) Granting Related Relief [Docket No. 1723].
- (2) Response of Coordinating States to Motion for the Entry of an Order (I) Appointing a Chapter Eleven Mediator (II) Directing Mandatory Mediation and (III) Granting Related Relief [Docket No. 1726].
- (3) Debtors' Objection to Immanuel Herrmann's Motion for the Entry of an Order (I) Appointing a Chapter Eleven Mediator (II) Directing Mandatory Mediation and (III) Granting Related Relief [Docket No. [●]].²

Related Documents:

- (1) Amended Notice of Hearing [Docket No. 1675].
- (2) Ignat Tuganov's Joinder and Supplement to Motion Appointing a Mediator [Docket No. 1680].
- (3) Victor Ubierna de las Heras Joinder and Supplement to Motion Appointing a Mediator [Docket No. 1722].
- (4) State of Washington's Joinder to Response of Coordinating States to Motion to Appoint Chapter 11 Mediator [Docket No. 1730].

Status: This matter is going forward.

III. Matters Related to Professional Retentions.

3. **Ernst & Young Retention.** Debtors' Application for Entry of an Order (I) Authorizing the Retention and Employment of Ernst & Young LLP as Tax Compliance and Tax Advisory Services Provider, Effective as of July 13, 2022, and (II) Granting Related Relief [Docket No. 1404].

Objection Deadline: December 2, 2022, at 4:00 p.m. (prevailing Eastern Time). The objection deadline was extended for the United States Trustee to December 13, 2022, at 4:00 p.m. (prevailing Eastern Time).

² The Debtors intend to file an objection to the Motion to Appoint Mediator before the noticed objection deadline of December 17, 2022, at 4:00 p.m. (prevailing Eastern Time), and reserve all rights with respect to the Motion to Appoint Mediator.

Responses Received: None.

Related Documents:

- (1) Notice of Adjournment [Docket No. 1585].

Status: This matter is going forward.

4. **Gornitzky & Co. Retention.** The Official Committee of Unsecured Creditors' Application for Entry of an Order Authorizing the Employment and Retention of Gornitzky & Co. as Israeli Counsel Effective as of November 2, 2022 [Docket No. 1298].

Objection Deadline: November 28, 2022, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents:

- (1) Notice of Adjournment of the Official Committee of Unsecured Creditors' Application for Entry of an Order Authorizing the Employment and Retention of Gornitzky & Co. as Israeli Counsel Effective as of November 2, 2022 [Docket No. 1478].

Status: This matter is going forward.

III. Adjourned Matters.

5. **Motion to Allow Digital Assets to be Deemed Filer's Property.** Verified Motion Seeking to Preserve My Right for Determination That My Personal Earn Program Assets Receive the Same Standing as Custody Accounts and Are Not Property of These Estates and Request for Hearing [Docket No. 1346].

Objection Deadline: January 13, 2022, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents: None.

Status: This matter is adjourned to January 24, 2023, at 10:00 a.m. (prevailing Eastern Time).

6. **Motion for Ownership of Funds.** Rebecca Gallagher's Motion for Entry of an Order to Rule that Ownership of All the Coins She Deposited into the Celsius Earn Platform Belong to Her and Not the Debtors, and that She Retains All Rights of Title Due to Fraudulent Misrepresentation, Oral Modification to the Terms of Service, the Terms of Service Being Ambiguous and Not Plain, and Because Celsius Was Operating Illegally by Selling Unregistered Securities [Docket No. 1508].

Objection Deadline: December 19, 2022, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents:

- (1) Letter to the Honorable Martin Glenn, dated 7/19/2022 re: That All Unsecured Creditors Be Able to Receive Their Funds Back in the Crypto They Sent to Celsius and That Title to Our Coins and Life Savings Be Restored [Docket No. 136].
- (2) Objection to Debtors' Motion Permitting the Sale of Stablecoins [Docket No. 901].
- (3) Debtors' Amended Motion for Entry of an Order (I) Establishing Ownership of Assets in the Debtors' Earn Program, (II) Permitting the Sale of Stablecoin in the Ordinary Course and (III) Granting Related Relief [Docket No. 1325].
- (4) Rebecca Gallagher's Objection to the Debtors' Amended Motion for Entry of an Order (I) Establishing Ownership of Assets in the Debtors' Earn Program, (II) Permitting the Sale of Stablecoins in the Ordinary Course and (III) Granting Related Relief [Docket No. 1416].

Status: This matter is adjourned to January 24, 2023, at 10:00 a.m. (prevailing Eastern Time).

7. **Motion for Stablecoin Ownership Ruling.** Marc Benzaken's Motion Seeking a Ruling from this Court that Stablecoins and Assets in Earn Currently Held by Celsius *et. al.* are Not Property of the Estate, that Michael Benzaken's Returned Collateral, Outstanding Collateral, as Well as All Assets on His Celsius User Account, are Not, Nor Have they Ever Been, Nor Ought they Ever Be Property of the Estate Under 11 USC § 541 [Docket No. 1510].

Objection Deadline: January 13, 2023, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents: None.

Status: This matter is adjourned to January 24, 2023, at 10:00 a.m. (prevailing Eastern Time).

8. **Motion for Stablecoin and Earn Account Ownership Ruling.** Michael Benzaken's Motion Seeking a Ruling from this Court that the Stablecoins and Assets His Earn Accounts are Not Property of the Estate, that the Assets and Collateral on His Account Are Also Not Property of the Estate, and that All of the Digital Assets Held Within His Earn Account Be Recategorized and Treated No Differently than those Assets Held Within His Custody Accounts Under 11 USC § 541 [Docket No. 1512].

Objection Deadline: January 13, 2023, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents: None.

Status: This matter is adjourned to January 24, 2023, at 10:00 a.m. (prevailing Eastern Time).

[Remainder of page intentionally left blank]

New York, New York
Dated: December 16, 2022

/s/ Joshua A. Sussberg

KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
Joshua A. Sussberg, P.C.
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: jsussberg@kirkland.com

- and -

Patrick J. Nash, Jr., P.C. (admitted *pro hac vice*)
Ross M. Kwasteniet, P.C. (admitted *pro hac vice*)
Christopher S. Koenig
Dan Latona (admitted *pro hac vice*)
300 North LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: patrick.nash@kirkland.com
ross.kwasteniet@kirkland.com
chris.koenig@kirkland.com
dan.latona@kirkland.com

Counsel to the Initial Debtors and Debtors in Possession

Proposed Counsel to the GK8 Debtors and Debtors in Possession